

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

FREDERICK DIXON,

Plaintiff,

v.

Case No. 16-14439
Honorable Denise Page Hood

AXLEXIS KRAFT, et al.,

Defendants.

**ORDER DENYING PLAINTIFF'S OBJECTION TO
ORDER DENYING MOTION TO APPOINT COUNSEL [#14]**

Pro se Plaintiff filed this 42 U.S.C. § 1983 lawsuit against multiple defendants. This matter comes before the Court on Magistrate Judge Elizabeth A. Stafford's March 14, 2017 Order denying Plaintiff's Motion to Appoint Counsel [Dkt. No. 12], to which Plaintiff filed an Objection. [Dkt. No. 14]

Appointment of counsel pursuant to 28 U.S.C. § 1915(e)(1) is rarely made because "there are no funds appropriated to pay a lawyer or to even reimburse a lawyer's expense." *Clarke v. Blais*, 473 F. Supp. 2d 124, 125 (D. Me. 2007). The Court must consider the nature of the case, the party's ability to represent himself, the complexity of the legal and factual issues, and whether the claims being presented are frivolous or have a small likelihood of success. *Lavado v. Keohane*, 992 F.2d 601, 604-06 (6th Cir. 1993).

The Court has had an opportunity to review Plaintiff's Motion for Appointment of Counsel and, like the Magistrate Judge, concludes that appointment of counsel is not warranted or appropriate at this time. Plaintiff has not demonstrated that this is an unusual, rare, or exceptional case. The legal and, especially, the factual issues involved to date are not unusual, nor are they complex. Plaintiff has filed numerous motions and briefs, which the Court finds demonstrates that Plaintiff has the ability to represent himself at this stage of the proceedings. Although the Court is not weighing evidence or making a determination of Plaintiff's likelihood of success on his claims, the Court cannot conclude (as Plaintiff does) that "Clearly this is a case that has merits." [Dkt. No. 14, PgID 129, Paragraph 3]. The Court further finds that Plaintiff has not established, as is required by § 1915(e)(1), that the three persons Plaintiff proposes to add as plaintiffs in this matter have viable claims or that none of them can afford legal counsel.

For the reasons stated above,

IT IS ORDERED that the Plaintiff's Objection to the Magistrate Judge's Order [Docket No. 14, filed March 29, 2017] is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff is not entitled to appointed counsel at this time.

S/Denise Page Hood
Chief Judge, United States District Court

Dated: May 5, 2017

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 5, 2017, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager